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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,415	02/01/2002	Ahmet Mursit Eskicioglu	RCA 89462	3679

7590 05/10/2005

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EXAMINER

CHAI, LONGBIT

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,415

Applicant(s)

ESKICIOGLU ET AL.

Examiner

Longbit Chai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/12/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Applicant's claim for benefit of domestic priority under 35 U.S.C. 119(e) is acknowledged.

The application is filed on 2/1/2002 but has a U.S. provisional application number 60/138,844 filed on 6/10/1999 and 60/124,479 and 60/124,480 both filed on 3/15/1999.

Claim Objections

2. Claims 1, 9, 10 and 12 are objected to because of the following informalities:
"Method" should be "A method". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Bando (Patent Number: 5774548).

As per claim 9, Bando teaches a method for managing access to a scrambled program comprising:

(a) receiving, from a first device, said scrambled program comprising a scrambled data component and a rebundled descrambling key encrypted using a network key (Bando: Column 1 Line 33 – 51: K_s = descrambling key, K_w = rebundled descrambling key and a network key associated with program attribute information);

(b) decrypting, in said second device, said rebundled descrambling key to generate said descrambling key; and (c) descrambling, in said second device, said scrambled data component using said descrambling key (Bando: Column 1 Line 50).

As per claim 11, Bando further teaches said scrambled program is prerecorded on media and provided to said access device, said encrypted descrambling key being received from said prerecorded media (Bando: Column 5 Line 49 – 53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 8, 10 and 12 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bando (Patent Number: 5774548), in view of Tsuria (Patent Number: 6178242).

As per claim 10, Bando teaches a method for managing access to a scrambled program received from a service provider within a network having an access device and a presentation device, said method comprising:

(a) receiving said scrambled program in an access device, said scrambled program comprising a scrambled data component and an encrypted descrambling key (Bando: Column 1 Line 21 – 22 and Column 1 Line 50 – 51: K_s = descrambling key and K_w = encrypted descrambling key);

(b) decrypting, in said access device, said encrypted descrambling key using a key associated with said service provider (Bando: Column 1 Line 50 – 51 and Column 1 Line 35 – 40);

Bando does not teach re-encrypting said descrambling key, in said access device, using a public key associated with said access device.

Tsuria teaches (c) re-encrypting said descrambling key, in said access device, using a public key associated with said access device (Tsuria: Abstract Line 1 – 2, Column 8 Line 29 – 43 & Figure 1: the first device is IRD (Integrated Recording Decoder) which directly interfaces with the SDDS broadcasting system in the use of asymmetric security key system to discourage unauthorized duplication and subsequent play-back / recording).

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Tsuria within the system of Bando because Tsuria teaches an improved system for producing / presentation and recording digital data streams, and particularly for protecting digital data streams (Tsuria: Column 1 Line 60 – 64).

(d) receiving, in said presentation device, said scrambled data-component and said re-encrypted descrambling key (Tsuria: Column 8 Line 53 – 58, Column 9 Line 30 – 36, and Column 2 Line 56 – 64: TECM = descrambling key and TECM key = re-encrypted descrambling key);

(e) decrypting, in said presentation device, said re-encrypted descrambling key to obtain said descrambling key; and (f) descrambling, in said presentation device, said scrambled data component using said descrambling key (Tsuria: Column 8 Line 29 – 31 and Column 9 Line 30 – 36: TECM = said descrambling key and decrypting said re-encrypted descrambling key with private key).

As per claim 1, 2 and 3, claim 1, 2 and 3 do not further teach over claim 10.

Therefore, see same rationale addressed above in rejecting claim 10.

As per claim 4, Tsuria further teaches that rebundling is performed within a first smart card coupled to said first device and the steps of decrypting and descrambling are performed within a second smart card coupled to said second device (Tsuria: Column 7 Line 1 – 9 and Column 8 Line 66 – Column 7 Line 1).

As per claim 5, Tsuria further teaches initializing said first device within said network (Tsuria: Column 8 Line 29 – 43 & Figure 1: the first device is IRD (Integrated Recording Decoder) which directly interfaces with the SDDS broadcasting system in the use of asymmetric security key system to discourage unauthorized duplication and subsequent play-back / recording).

As per claim 6 and 8, Tsuria further teaches receiving said public key from a conditional access provider, said step of receiving comprising authentication of said conditional access provider (Tsuria: Column 8 Line 29 – 43 & Figure 1: the first device is IRD (Integrated Recording Decoder) which directly interfaces with the SDDS broadcasting system in the use of asymmetric security key system to discourage unauthorized duplication and subsequent play-back / recording).

As per claim 7, Tsuria further teaches said public. Key is pre-stored is one of said smart card and said access device (Tsuria: Column 7 Line 1 – 9 and Column 8 Line 66 – Column 7 Line 1: TECM key = said public key).

As per claim 12, the claim limitations are met as the same reasons set forth in the paragraph above regarding to claim 10 with the exception of the feature recording said scrambled data component and said re-encrypted descrambling key on media coupled to said recording device. However, Tsuria further teaches recording said

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scrambled data component and said re-encrypted descrambling key on media coupled to said recording device (Tsuria: Column 9 Line 18 – 21 and Column 2 38 – 40).

As per claim 13, Bando further teaches said scrambled program is prerecorded on media (Bando: Column 5 Line 49 – 53).

As per claim 14, Tsuria further teaches the first device is an access device and wherein the second device is a presentation device (Tsuria: Column 9 Line 31 – 36).

5. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bando (Patent Number: 5774548), in view of Kimura (Patent Number: 6674858).

As per claim 15, Bando teaches a method for transforming :in a security device, content information contained in a scrambled program received from a service provider comprising:

receiving in said security device the scrambled program containing scrambled content information and a control word; and descrambling the scrambled content in the security device using the control word (Bando: Column 1 Line 33 – 40: Ks (scramble / descramble key associated with ECM is equivalent to control word of ECM);

Bando does not disclose expressly generating in the security device another scrambling key.

Kimura teaches generating in the security device another scrambling key; and re-scrambling the content using said another scrambling key (Kimura: Column 2 Line 23 – 26 & Figure 9 Element 21 / 29: a device key is used as a scrambling / descramble key).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Kimura within the system of Bando because Kimura teaches a digital broadcast system with effective copy protection specific process that the pay broadcast can be recorded only by the proper receiver (Kimura: Column 1 Line 38 – 42).

encrypting a local ECM containing the re-scrambled content using a unique key (Bando: Column 1 Line 50: the unique key = K_w , which encrypts the scramble key K_s associated with local ECM).

As per claim 16, Bando further teaches determining user entitlement to the scrambled program prior to descrambling the scrambled content (Bando: Column 1 Line 44 – 51 and Column 1 Line 41 – 42).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Longbit Chai
Examiner
Art Unit 2131

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Ayaz Sheikh
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